

SUMMARY OF PROCEEDINGS: 8 FEBRUARY 2010

Kevan Callaghan

- Mr Callaghan joined the TA in 1999 and was commissioned in 2001. For OpTelic he was a company intelligence officer with the rank of 2nd lieutenant. He is now a major and company commander in the TA.
- Before deployment to Iraq, his role was changed to that of responsibility for civilian and military co-operation.
- There were complaints from some local representatives that the UK army needed to deal more robustly with lawlessness in the area. There were no complaints that he could recall about the ill-treatment of civilians by the army.
- He does not remember taking photos of a weapons haul that followed a search operation by B company, but it is the kind of job he could be asked to do.
- He had not seen Col Mendonca swearing at or striking a detainee.
- He has no recollection of photos being deleted during or after the search operations.

John Seaman

- Mr Seaman joined the TA in 1996. He was commissioned in 1998 and was promoted to captain in June 2003. During Op Telic he was the battalion intelligence officer (from late August 2003).
- His training before deployment to Iraq made no distinction between the treatment of prisoners-of-war and that of civilian detainees. He was informed that conditioning techniques could only be used by specialist staff who had been trained in their use. However, the use of hoods was, he thought, permissible and commonplace from the time of detention to the time of tactical questioning in order to maintain the shock of capture.
- He prepared the "target pack" in advance of Op Salerno.
- There was no intelligence before Op Salerno that linked the detainees with the deaths of Capt Jones or the RMP officers.

Steven Edward Bostock

- He joined the army in 1981. In Iraq he was the battalion 2 i/c. Now a Lt Col working with NATO in Brussels. He had received no training re use of conditioning techniques, nor was he aware that their use had been prohibited. No training re hooding but he did know that stress positions were not to be used.
- He was responsible for organising the battalion's pre-deployment training prior to Iraq. Initially there were no clear directions from Brigade as to what sort of training was needed; it was quite chaotic. There were very few facilities for in-theatre training provided by the Brigade in Kuwait. Such training as did take place did not include anything specific about prisoner handling; all soldiers knew from basic training that prisoners should be treated humanely.

- The witness would expect detainees to be treated in the same way as PoWs.
- He had seen detainees inside the TDF on about five or six occasions. During the handover from the Black Watch, he saw one detainee who was hooded. It was explained that this was temporary and was for security reasons; he did not regard this as inhumane treatment, given the circumstances. Thereafter he never saw any detainees hooded.
- He did not recall any discussions in O Group about conditioning. He never saw stress positions being used in Iraq. The detainees he had seen in the TDF were generally lying down on beds. The beds were still in the TDF when he left Iraq in August 2003.
- The witness was shown the 'TDF video'; in his view that did not amount to 'firm treatment' of detainees, it was something else. He was never aware of that sort of disgraceful behaviour taking place in BGM while he was there. All the training he had received made it clear that 'firm handling' of prisoners applied to the time of capture, when it was necessary to maintain the shock of capture, e.g. in order to save lives.
- The BGIRO was responsible for prisoners held in the TDF and had responsibility for moving them down the chain of Brigade. The RSM and Regimental Police were in charge of the TDF.
- He never witnessed any ill treatment of detainees. Nor had he seen any detainees showing signs of having been assaulted or heard reports of any assaults on detainees. He was not aware of any battalion SOP that required all detainees to be hooded.

SUMMARY OF PROCEEDINGS: 9 FEBRUARY 2010

Paul Vernon Davis

- Mr Davis joined the army in 1990 and left in 2006.
- From May 2003 to 22 August 2003, he was the officer commanding Anzio company of 1 QLR with the rank of major. (He had left Iraq before 14 Sept 2003).
- Raised at O group meetings was a dispute (between brigade and battle group) about whether prisoners should be hooded. He understood that brigade would, in due course, clarify the situation. In the meantime, he told his platoon commanders to cease hooding.
- The allegation from Capt MacFarlane that he and Mr Davis had a blazing row about how detainees were being handled is not true.

John Lighten

- Mr Lighten joined the TA in 1984 and was commissioned in the regular army in 1991. He retired from the army in 2006 and has served as a major in the TA since 2007.
- In September 2003, he was the officer commanding Burma company of 1QLR with the rank of Major.
- He believes that immediate pre-deployment (to Iraq) training was rushed and cobbled together: there was not enough time to do it properly.

- He acknowledged the accuracy of the evidence of some other soldiers who had complained to him about the treatment of detainees but he could not recall the incidents.

Christopher Süss-Francksen

- Mr Süss-Francksen joined the army in 1987 and was commissioned in 1988. He retired from the army in 2004 with the rank of major
- He was deployed to Iraq in August 2003 as 2 i/c to Col Mendonca in 1QLR.
- He could not recall any discussion about the treatment of prisoners at O Group; he did not see any prisoners hooded in the TDF although he had seen some hooded detainees being moved around. He did not see any in stress positions. He was unaware of any mishandling of prisoners during his time in Iraq. There were no written orders regarding the BGIRO's responsibility for prisoners in the TDF although the RSM retained responsibility for Provost staff.
- Went to the TDF after the death of Baha Mousa with Major Seeds. It was dark inside. He was shocked that the detainees were still plasticcuffed. He cannot now recollect any other details except that he did not think they had been beaten. He did not revisit the TDF.

SUMMARY OF PROCEEDINGS: 10 FEBRUARY 2010

Anthony Royce

- Joined Regular Army in September 1993. In June 2003 deployed to Iraq until 23 August. Role to complete reconnaissance and forward planning. Subsequently, appointed BGIRO on 7 July.
- Referred to BMI Statement, explained the problems of imposing law and order and the Iraqi people did not understand the concepts of the Human Rights Act.
- Received no training in respect of the role. More generally, trained in the handling of prisoners in accordance with the Geneva Convention. Annually, received a refresher in LOAC. Humane treatment meant that prisoners should never be ill-treated. Never heard of the 'Heath Ruling' or about conditioning techniques prior to deployment. No prior training in Tactical Questioning but had an understanding of what was its purpose. Lectures pre-deployment mentioned that 'hooding' was not permitted.
- Prior to deployment, a mandatory briefing on the shock of capture for those in the Army to prepare them but there was nothing said about soldiers' treatment of prisoners.
- On arrival in Iraq, saw hooding and plastic-cuffs and raised it with member of BW Battle Group staff. Became aware that the uses of hoods for security of location and for conditioning prior to TQing were two separate issues.

- As BGIRO, Royce had responsibility for the TDF, the prisoners and the Provost Staff. Sgt Smith responsible for the physical security of the detainees then Cpl Payne in his absence. Royce visited regularly by way of supervision. As the most experienced soldier, Sgt Smith was responsible for overseeing conditioning prior to tactical questioning. Royce had less confidence in Cpl Payne than in Sgt Smith.
- No specific order but the extent of the need for conditioning and what that would entail to maintain the shock of capture arose during a conversation with Major Robinson. There was an issue about issuing 'fit for detention' certificates. There was a need to ensure that detainees are in a good condition on arrival and again on departure. Not required to send medical reports with prisoners undergoing TQ.
- Admin processes had to be undertaken when prisoners were detained and there was a delay before TQ could take place. So, prisoners were to be conditioned in order to maintain the shock of capture, including hooded and the use of stress positions. These decisions were communicated during a comprehensive discussion about the operation. He sought legal advice before leaving Brigade HQ because he knew that the CO would need to be reassured that these practices would have legal approval.
- Royce confirmed that he took what he was told by his chain of command about conditioning as a formal direction and that the legal advice he also sought was clear that the use of hooding and stress positions was acceptable as part of conditioning.
- Royce was aware of the five techniques but the other aspects were not routinely used. Prisoners could miss breakfast but sleep deprivation was never employed. There was a discussion about conditioning techniques generally with the CO. CO saw conditioning in progress and was apparently content. The message passed down was that conditioning had been accepted as SOP within the Regiment.
- Sgt Smith was responsible for ensuring stress-positioning was maintained. Royce knew him well and could rely on him. Royce wouldn't involve other soldiers unless it was absolutely necessary. Shown the Cpl Payne video clip, stressed that the behaviour was extreme and not what Royce himself would have sanctioned.
- Major Royce re-iterated that the situation on the ground in Iraq had meant that the processes relating to prisoner handling were constantly evolving and therefore it had been impossible to detail the current directions at any one time. In addition, the BGIRO post responsibilities were new within the Brigade structure.

Edward Hemsley

- Joined the army in 1987. In Iraq, Officer Commanding Somme Company throughout the tour.
- Described his understanding of humane treatment of prisoners and limited experience of stress positions prior to deployment. Hoods or blindfolds were

- No occasions when Hemsley saw examples of violence and never heard concerns expressed about hooding, stress positions or the Viper squad. No concerns about overzealous young soldiers indulging in gratuitous violence towards civilians.
- Not familiar with the role of the BGIRO or his responsibilities in relation to prisoner handling. Provost staff would normally have these responsibilities. Couldn't remember the term 'conditioning'; still can't remember the term being used during the tour.
- Discussions took place about deprivation of sight and the use of goggles. Difficult to remember from whence the direction came.
- 'More robust treatment' direction? Can't recall and can't help. Didn't see prisoners in stress positions or anything like them.
- 'Winning hearts and minds locally' on the ground was the message the CO sought to convey to the troops. To succeed would have been a measure of a job well done. Not to succeed would have meant failure.

SUMMARY OF PROCEEDINGS: 11 FEBRUARY 2010

Shaun Cronin

- The witness joined the Regular Army in 1998 and was commissioned at Sandhurst. In 2003, he was the Battalion Intelligence Officer in Iraq serving as a captain. He now holds the rank of major.
- Before deployment, he had been given training in the LOAC and understood that prisoners were to be treated humanely in accordance with the Geneva Convention. Maj Cronin had never been trained in conditioning techniques.
- In Iraq, Maj Cronin was the Intelligence Officer reporting through the BGIRO to the CO. Sgt Smith worked part-time for the intelligence cell but still reported to the RSM. Smith had no training in intelligence work and so he could not really help to ease the work load.
- He witnessed detainees wearing hoods and considered the use of hoods to be legitimate for proper purposes. He never witnessed detainees in stress positions or heard about prisoners being conditioned before questioning. While in Iraq, he never visited TDF or saw hooded prisoners being held by the generator in camp.
- Maj Cronin said that tactical questioners were explicitly excluded from a course on conduct after capture so as not to be confused by the detail of techniques used on prisoners of war.

Gareth Barber

- He joined the army in 1998.
- He was a Battle Group Internment Review Officer. Received no specific training for the role and only learned of his duties on arrival in Iraq. Maj Barber described the role undertaken by him and the processes and facilities available to his team.
- He described the system for processing detainees, medical checks and the changes that were made during his tour. The Commanding Officer had ultimate responsibility for the welfare of detainees and Maj Barber discharged that responsibility on behalf of the CO.
- He described the features of tactical interviews witnessed by him. They included aggressive questioning in a loud voice or shouted. Verbal threats might include threats of imprisonment or loss of contact with prisoners' families. No threats of physical violence had been witnessed by Maj Barber.
- Maj Barber confirmed there was a SOP to deprive detainees of their sight for reasons of security and to sustain the shock of capture. He described an occasion when he had ordered hooding during a particular operation in Iraq. He recalled that the procedure for deprivation of sight changed during the tour when hooding was banned and replaced by blacked-out goggles.
- He had no firsthand knowledge of stress positions and they were certainly not used by his regiment to preserve the shock of capture.

Noel Parry

- The witness joined the army in 1984 and currently holds the rank of captain. He deployed to Iraq as CSM for C Company; he was Maj Kenyon's right hand man. He had routinely received training in the LOAC and understood that all prisoners should be treated humanely. He had had no training in relation to hooding but was aware that hoods were used.
- He had no knowledge of, or view about, stress positions or hooding before deployment to Iraq. He understood the use of tactical questioning but could not remember whether or not he was familiar with conditioning techniques.
- In Iraq the use of hoods for security purposes was accepted but they were removed as soon as possible. It would not be usual for hoods to remain on detainees' heads for longer than two hours at most. He had never witnessed the use of stress positions and was not aware of conditioning – not hooding, stress positions or other forms of conditioning.
- This witness had made a second statement to the Inquiry on 9 February 2010. In this he said he had seen some of the Garamsche tribesmen with injuries, e.g. bruising. There was nothing to suggest any serious injury, however. What he had seen gave him cause to believe that something had gone wrong and he had raised his suspicions/concerns first with Maj Pinchen and then with Maj Kenyon. Maj Kenyon had addressed the battalion on a volley ball court. He spoke about leadership and understanding the pressures the soldiers were under. He told them that the chain of command knew the

- He refuted the suggestion that there was a culture of casual violence in his company. He never saw anyone using violence and he denied using any violence himself.
- He recalled hearing of the death of Baha Mousa. He told his men that as it was the subject of an investigation, they should not discuss it amongst themselves.

Michael Elliott

- He joined the army in 1995 and currently holds the rank of major. In Iraq he was the Operations Officer of 1QLR, holding the rank of captain. He saw a hooded detainee during the handover from the Black Watch. As part of the training prior to deployment to Iraq, he learned that there may be a need for hooding either to protect a detainee's identity or for security reasons. He understood it was common practice in Iraq, for those two reasons. He never saw any detainees in stress positions in Iraq.
- His accommodation in BG Main was next to the TDF. He had seen detainees inside the TDF but nothing he saw caused him any concern. He noticed that there were camp beds in there. He never saw any ill treatment of detainees, nor did he hear any reports of ill treatment.